

Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07 L-02

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R 051730Z MAY 75

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC 9026

C O N F I D E N T I A L SECTION 1 OF 2 BRASILIA 3456

E.O. 11652: GDS

TAGS: PINT, BR

SUBJECT: GOVERNMENT USES INSTITUTIONAL ACT 5; OTHER SIGNALS ON FATE OF
DECOMPRESSION ALSO DETECTED

SUMMARY: THE GOVERNMENT'S RECENT USE OF INSTITUTIONAL ACT
NUMBER 5 (IA-5), FIRST TO PUNISH A FEDERAL JUDGE, A NOTARY,
AND A MILITARY OFFICER, AND THEN, MORE IMPORTANTLY, TO DECLARE
FEDERAL INTERVENTION IN RIO BRANCO (CAPITAL OF REMOTE, SPARSELY
POPULATED ACRE) TO BREAK AN IMPASSE BETWEEN THE STATE GOVERNOR
AND THE OPPOSITION-CONTROLLED LEGISLATURE OVER THE NAMING OF A
MANOR, HAS STIRRED CONSIDERABLE POLITICAL MOVEMENT AND
COMMENT HERE. OPPOSITION LEADERS PREDICTABLY (AND NOT
UNJUSTIFIABLY) CRITICIZED THE NON- AND EVEN ANTI-CONSTITUTIONAL
ASPECTS OF THE MOVE, WHILE ARENA SPOKESMEN TRIED TO BRUSH IT OFF.
DECOMPRESSION WATCHERS CHALKED UP A MAJOR MINUS,
WITH MOST OBSERVERS CORRECTLY, WE BELIEVE, RECONGNIZING THE MOVE
AS AIMED AT REASSURING CONVERNED CONSERVATIVES AND REMINDING
THE OPPOSITION THAT, AS THE GOVERNMENT HAS REPEATEDLY SIGNALLED,
BOTH DECOMPRESSION AND THE GOVERNMENT'S TOLERANCE HAVE THEIR
CLOSELY DEFINED LIMITS. THE LATTER MESSAGE WAS RECEIVED AS
A STRONG AND SOBERING ONE, BUT IN THE LAST FEW DAYS PRO-
DECOMPRESSION SECTORS HAVE TAKEN HEART FROM SIGNALS FROM THE
PRESIDENCY THAT DECOMPRESSION IS NOT DEAD. IN THE NET, WE
JUDGE THAT DECOMPRESSION IS STILL PASSING THROUGH A CRITICAL
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PHASE, WITHOUT ANY CLEAR RESOLUTION IN SIGHT. END SUMMARY

1. THE USE OF IA-5 BY THE GOVERNMENT IN MID-APRIL TO PUNISH A FEDERAL JUDGE, A NOTARY, AND A MILITARY OFFICER FOR CORRUPTION INITIALLY RECEIVED LITTLE ATTENTION: SUCH USE WAS, IF SPARE, NOT ALL THAT UNCOMMON DURING THE MEDICI ADMINISTRATION, AND ITS NON-POLITICAL NATURE LED MOST POLITICIANS, EVEN IN THE OPPOSITION, TO A RELATIVELY PASSIVE STANCE. AFTER A COUPLE OF DAYS, REPORTERS SOUGHT OUT PARTY LEADERS FOR COMMENT, AND NOT SURPRISINGLY, ARENA LEADERS FOUND THE USE UNOBJECTIONABLE WHILE PROMINENT MDB FIGURES FAULTED THE MOVE ON PRINCIPLE, ALTHOUGH IN MILD TERMS.

2. SHORTLY THEREAFTER, HOWEVER, CAME THE NEWS THAT THE GOVERNMENT, BASING ITSELF ON IA-5, HAD DECLARED FEDERAL INTERVENTION IN RIO BRANCO, CAPITAL OF THE TINE, SPARSELY POPULATED STATE OF ACRE (UNTIL FAIRLY RECENTLY A TERRITORY). AT ISSUE WAS THE NAMING OF A MAJOR FOR RIO BRANCO, WITH THE MDB MAJORITY IN THE LEGISLATIVE ASSEMBLY BLOCKING THE ARENA GOVERNOR'S TWO CHOICES AND INVITING HIM INSTEAD TO SUBMIT THREE NAMES FOR ITS CONSIDERATION. EVIDENTLY, THE GOVERNMENT WAS NOT DISPOSED TO PLAY, AND CHOSE INSTEAD TO INTERVENE AND IMPOSE THE GOVERNOR'S SECOND SELECTION.

3. IN THE IMMEDIATE AFTERMATH, BLAME WAS CAST IN VARIOUS DIRECTIONS. PROMINENT MDB SENATOR PAULO BROSSARD (RIO GRANDE DO SUL) OBSERVED THAT, GIVEN THE RULES OF THE GAME, APPROVAL IS REALLY INDICATED IF A NOMINEE IS HONEST, CAPABLE, AND FREE OF CONFLICT OF INTEREST; VARIOUS COMMENTS NOTED THAT THE REQUEST THAT THREE NAMES BE SUBMITTED FOR THE ASSEMBLY TO SELECT FROM REPRESENTED AN ATTEMPTED TRANSFER TO THAT BODY OF AN EXECUTIVE PREROGATIVE. ON THE OTHER HAND, VARIOUS ARENA CONGRESSMEN WERE QUOTED AS WONDERING PRIVATELY WHETHER THE ACRE GOVERNOR, GERALDO MESQUITA, HAD DONE AS MUCH AS HE MIGHT HAVE TO ACHIEVE A SOLUTION AND AVOID THE DRASTIC MEASURE OF IA-5.

4. COMMENT: THE INS AND OUTS OF WHAT HAPPENED IN ACRE ARE FINALLY, OF COURSE, BESIDE THE POINT: THE GEISEL ADMINISTRATION, INCREASINGLY FEELING THE HEAT FROM CONCERNED CONSERVATIVE MILITARY FIGURES ABOUT THE EXTENT OF DECOMPRESSION (BRASILIA 2322), AND STILL UNDECIDED AS TO HOW TO RESPOND TO THE APPARENT CONFIDENTIAL

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COLLAPSE OF ARENA AS A VIABLE POLITICAL TOOL (AT LEAST IN THE LONG RUN) (BRASILIA 2636), FOUND IT NECESSARY TO FIRE ANOTHER WARNING SHOT. NATIONAL CONCERN REGARDING ACRE IS NOT, AS A GENERAL RULE, HIGH (REGARDLESS OF CHAMBER MAJORITY LEADER JOSE BONIFACIO'S ASTONISHING ASSERTION THAT "THERE IS NO JUSTIFICATION FOR LEAVING EMPTY A POSITION OF THE IMPORTANCE OF MAJOR OF THE CAPITAL OF ACRE"). IN FACT, THE INCIDENT STRONGLY RECALLS THE TIME WHEN IT WAS THE NATIONAL CONGRESS' TURN FOR

EXEMPLARY PUNISHMENT, AND THE MAN SELECTED WAS THE MDB'S MAVERICK FRANCISCO "CHICO" PINTO: THE UNKIND BUT COMMON COMMENT IN THE CONGRESS HERE AT THE TIME WAS, "THANK GOD IT WAS ONLY CHICO".

5. THE NOTION THAT THIS TIME IT IS "ONLY" ACRE SHOULD NOT OBSCURE THE FORCE OR THE SOBERING IMPACT OF THE MEASURE: THE USE OF THE POWERFUL IA-5 BY AN ADMINISTRATION WHICH HAD PREVIOUSLY APPEARED TO PRIDE ITSELF ON ITS ADHERENCE TO ORDINARY LEGAL PROCESSES (AS IN THE PINTO CASE) IS SIGNIFICANT, AND INDEED LED TO THE DEVELOPMENT OF A THEORY ACCORDING TO WHICH THE ADMINISTRATION WAS WORKING UP TO USING IA-5 TO CASSATE MDB CONGRESSMEN ALLEGED TO HAVE COMMUNIST PARTY TIES.

6. THAT, OF COURSE, WOULD BE A FAR MORE SIGNIFICANT AND CONTROVERSIAL MOVE. EVEN THE ACRE AFFAIR, HOWEVER, IS BEING RECEIVED AS, AT THE LEAST, A MAJOR SETBACK FOR DECOMPRESSION. IT SHOULD BE CLEAR THAT ON THE ONE HAND THIS APPLICATION OF IA-5 WAS RELATIVELY SAFE AND CLEAN: THE BEHAVIOR OF THE ACRE MDB WAS QUESTIONABLE AT BEST, NOBODY REALLY CARES MUCH ABOUT WHAT HAPPENS THERE, THERE WERE NO DIRECT VICTIMS (IN THE SENSE THAT NO ONE WAS CASSATED OR OTHERWISE PUNISHED BY THE ACTION), AND THE MDB RETAINS ITS MAJORITY IN THE ACRE LEGISLATIVE ASSEMBLY. NO LESS SIGNIFICANT, ON THE OTHER HAND, IS THE INDISPUTABLE FACT THAT THE IMPASSE IN THE ACRE ASSEMBLY COULD HAVE BEEN RESOLVED BY FAR LESS DRASTIC, MORE NORMALLY POLITICAL MEANS. THE ADMINISTRATION, THEN, TOOK A DELIBERATE AND CALCULATED STEP IN USING IA-5.

7. IN CASE ANYONE FAILED TO IDENTIFY THE SPECIFIC IMMEDIATE ADDRESSEES OF THE MESSAGE, PRESTIGIOUS COLUMNIST CARLOS CASTELLO BRANCO SPELLED THEM OUT: "THE (LEGISLATIVE) ASSEMBLIES OF SAO PAULO, RIO DE JANEIRO, RIO GRANDE DO SUL, AND AMAZONAS (WHERE CONFIDENTIAL

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THE MDB HAD MAJORITIES) HAVE BEEN DULY WARNED". MORE BROADLY, THE MESSAGE WAS ALSO AIMED AT REASSURING HARDLINERS, AND THEY CAN ONLY FEEL GRATIFIED BY THE MOVE. THE MDB OVERALL HAS ALSO BEEN GIVEN A MESSAGE: COOL IT. FOR THE MDB, HOWEVER, THE MESSAGE ALSO HAS A BROADER SIGNIFICANCE: THE OPPOSITION HAS IN EFFECT BEEN TOLD THAT THERE REMAIN SERIOUS LIMITS ON THE USES TO WHICH ITS MAJORITIES CAN BE PUT.

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ACTION ARA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07 L-02

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R 051730Z MAY 75

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC 9027

C O N F I D E N T I A L SECTION 2 OF 2 BRASILIA 3456

8. IN THESE TERMS, THE APPLICATION OF IA-5 IN ACRE CAN BE SEEN AS ANOTHER IN THE SERIES OF LIMIT-MARKING MEASURES (BOTH ACTIONS AND TOP-LEVEL PRONOUNCEMENTS) WITH WHICH THE GEISEL ADMINISTRATION VIRTUALLY FROM THE OUTSET HAS TEMPERED ITS CONDUCT OF DECOMPRESSION. IT HAS ALWAYS BEEN CLEAR THAT DECOMPRESSION WAS INTENDED TO BE A SLOW AND GRADUATED PROCESS, THAT SIGNIFICANT LIMITS WOULD BE ENFORCED, AND THAT THE EXECUTIVE WOULD RETAIN THE WHIP HAND. WITH THE MDB IN THE ELECTORAL ASCENDANCY, HOWEVER, THE QUESTION ARISES WHETHER THIS USE OF IA-5 TELLS THE MDB THAT IT WILL NOT BE PERMITTED TO USE ITS MAJORITIES FOR ANYTHING SIGNIFICANT; IF SO, THEN IT MAY ALSO SIGNAL THE BEGINNING OF THE END OF DECOMPRESSION.

9. IN THE MEANTIME, OTHER SIGNIFICANT SIGNS OF THE CURRENT STATE OF POLITICAL DEVELOPMENT HERE HAVE BEEN DETECTED. ONE SIGN, INCOMPLETELY NOTED IN THE PRESS, WAS THE MESSAGE FROM ARMY MINISTER FROTA DELIVERED BY MEANS OF WHAT APPARENTLY WAS AN ARMY-WIDE OFFICERS' CALL. ACCORDING TO INFORMATION PROVIDED TO THE DAO, THE MESSAGE CONTAINED THREE MAIN POINTS: THE EXCEPTIONAL MEASURES (E.G. IA-5) WILL BE MAINTAINED; SECURITY ELEMENTS OF THE ARMY WILL NOT BE INHIBITED IN THE PURSUIT OF THEIR LEGITIMATE SECURITY FUNCTIONS; AND THERE WILL BE NO AMNESTY FOR THOSE SANCTIONED UNDER THE EXCEPTIONAL MEASURES. WE WOULD TAKE SUCH A MESSAGE NOT ONLY AS A SURE SOURCE OF GRATIFICATION TO HARDLINERS, BUT AS A SIGN THAT THEY HAD WON A ROUND IN THE ONGOING STRUGGLE OVER DECOMPRESSION. IN THIS RESPECT, THE SECOND

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POINT ABOUT THE SECURITY FORCES WOULD BE OF PARTICULAR SIGNIFICANCE IN THE LIGHT OF REPORTED INTENTIONS OR HOPES, PARTICULARLY

OF GEN. GOLBERY, TO "CIVILIANIZE" THE SECURITY APPARATUS AND PROCEDURES. ON THE OTHER HAND, IT HAS ALSO BEEN REPORTED BY A SOURCE OF CONGEN RIO'S THAT THE RECENT FROTA MESSAGE TO THE TROOPS, IN ADDITION TO THE POINT ABOUT MAINTAINING THE EXCEPTIONAL MEASURES, AFFIRMED THAT THE GOVERNMENT INTENDS TO CARRY OUT THE DEMOCRATIC OBJECTIVES OF THE REVOLUTION, INCLUDING A DEMOCRATIC SOCIETY WITH STABLE REPRESENTATIVE INSTITUTIONS; WARNED AGAINST ATTEMPTS BY THE LEFT AND RIGHT TO BREAK MILITARY UNITY AND SEPARATE THE MILITARY FROM THE GOVERNMENT; AND WARNED ALSO AGAINST INTRIGUES BY A GROUP KNOWN AS "AUTHENTIC REVOLUTIONARIES" WHICH COULD LEAD THE GOVERNMENT ASTRAY OF ITS OBJECTIVES. THIS ACCOUNT OF THE FROTA MESSAGE CONTAINED NO REFERENCE TO THE ACTIONS OF ARMY SECURITY FORCES. THIS VERSION OF THE MESSAGE, OF COURSE, WOULD BE IN PERFECT HARMONY WITH WHAT IS WIDELY TAKEN TO BE THE PRESIDENT'S LINE, AND SUGGESTS A VERY DIFFERENT INTERPRETATION. BECAUSE OF THE RATHER SHARP DISCREPANCIES IN THE TWO REPORTS OF THE CONTENTS OF THE FROTA MESSAGE, WE WILL CONTINUE OUR EFFORTS TO OBTAIN THE TEXT OF THE MESSAGE ITSELF.

10. ENCOURAGING TO PRO-DECOMPRESSION SECTORS WAS THE APRIL 24 SPEECH BY ARENA SENATOR TEOTONIO VILELLA, WHO, IT WAS CONSIDERED SIGNIFICANT, SPOKE AFTER MEETING WITH GEISEL. PROMPTLY DUBBED BY MDB SENATOR PAULO BROSARD "THE MOST IMPORTANT STATEMENT OF THE CURRENT LEGISLATIVE SESSION", THE SPEECH CALLED FOR UNION AROUND GEISEL, "RECOGNIZING THE REVOLUTION AS A DEMOCRATIC PRINCIPLE AND AS AN IRREVERSIBLE HISTORICAL FACT", SO THAT HE COULD CARRY OUT HIS INTENTIONS OF "INSTITUTIONALIZING THE COUNTRY, DELIVERING BRAZIL INTO THE STATE OF LAW". THE SAME SECTORS HAVE ALSO EXPRESSED RENEWED HOPE AS A RESULT OF SIGNALS RECENTLY SEEN TO BE EMERGING FROM THE PRESIDENTIAL PALACE, TO THE EFFECT THAT ITS COMMITMENT TO DECOMPRESSION REMAINS INTACT.

11. SINCE THE INCEPTION OF THE CRITICAL PERIOD FOR DECOMPRESSION DISCUSSED IN BRASILIA 2322, THERE HAS BEEN A CONTINUING EBB AND FLOW OF HOPE IN PRO-DECOMPRESSION SECTORS HERE ABOUT WHERE THINGS SEEM TO SAND AND TO BE HEADED, AND WE NOTE AS NOT INSIGNIFICANT THAT MDB ELEMENTS, INCLUDING AUTENTICOS, SHOW THEMSELVES TO US I PRIVATE AS COMPLETELY UNCOWED AND AS RETAINING

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THEIR FAITH IN THE PRESIDENT'S INTENTIONS. OUR OWN CURENT JUDGMENT IS THAT THAT SAME CRITICAL PERIOD CONTINUES: THERE HAS BEEN SOME INTENSIFICATION SUCCEEDED BY SOME RELAXATION OF TENSIONS BUT NOT YET ANY CLEAR RESOLUTION. END COMMENT
CRIMMINS

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